

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISIONJASON DENT,
Plaintiff,

119cv249

Civil No. _____

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXASPage 1 of 3
5/22/19 JD

v.

Crone/Hawthorn

WILLIAM BARR, FRANK LARA,
Defendant.

JUN 10 2019

EMERGENCY INJUNCTIONBY
DEPUTY _____

Plaintiff Jason Dent files this emergency injunction for a order from the Honorable Court for defendants U.S. Attorney General William Barr and BOP Assistant Director Frank Lara to Cease; (1) the spending of more money on private prisons, Cease; (2) the spending of less money on BOP operated facilities, cease; (3) the current policies.

Jurisdiction

This emergency injunction falls under your jurisdiction because the Federal Correctional Complex Beaumont is in the jurisdiction of this Honorable Court.

Statement of Facts

1. In April 2008, just weeks before the race riot at U.S.P. Florence occurred, Phil Glover, a legislative coordinator with the AFGE, testified before Congress about rising levels of violence in the BOP. Glover blamed the violence on insufficient staffing and resources. (EX-1)
2. On April 20, 2008, a major 30 minute race riot at the U.S.P. in Florence, Colorado broke out. To quell the riot, guards fired more than 200 M-16 rounds, 300 pepper balls and almost a dozen tear gas canisters, plus sting grenades. Two prisoners, Brian Scott Kubik and Phillip Lee Hooker, were shot to death by tower guards, 30 prisoners and one staff member were also injured. (EX-1)

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3. In a March 2008 memo, BOP prison officials estimated that a projected \$289 million budget shortfall could force the cutting of guard positions to the point where safety and security of staff and inmates could be in jeopardy. (EX-1)

4. To cut costs the BOP removed the Unicons (making inmates unable to pay Court fines and restitutions), removed the washers and dryers (which increased the staph infections 100%), removed the microwaves, removed breakfast off the menu and replaced it with gran flakes seven days a week, serving inmates peanut butter and jelly or sandwich meat for dinner, lack of jobs, lack of food.

5. These policies have created a ultra violent environment, 2008; 13 inmate murders and 1 correctional officer, 2009; 6 inmate murders, 2010; 16 inmate murders, 2011; 8 inmate murders, 2012; 5 inmate murders, 2013; 8 inmate murders and 1 correctional officer murder, 2014; 13 inmate murders, 2015; 13 inmate murders, 2016; 5 inmate murders. (EX-1), (EX-2).

6. There was never any budget cuts to the private prisons. In the year 2014 the BOP paid private prisons Adams County \$62 million (EX-3), Big Spring CI \$82 million (EX-4), Folkston-DRJ \$56 million, Car \$70 thousand, Cibola County \$28 million, Dalby CI \$35 million, Eden \$33 million, McRae \$37 million, Moshannon Valley CI \$44 million, North East Ohio Correction Center \$39 million, Reeves \$51 million, Reeves DC \$22 million, Rivers/Winston \$39 million, Taft \$44 million, USMS/FPD \$4 million, Willacy CI \$49 million.

7. In the year 2015 the BOP paid private prisons Adams County \$60 million (EX-5), Big Spring CI \$80 million, Folkston-DRJ \$58 million, Cibola County \$29 million,

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Dalbey CI \$35 million, Eden \$30 million, Great Plains CC \$6 million, McRae \$36 million, Moshannon Valley \$43 million, North East Ohio Correction Center \$24 million, Reeves DC \$21 million, Rivers/Winton \$39 million, Taft \$44 million, Willacy CI \$18 million, Willacy Disturbance \$108 thousand.

8. In the year 2016 the BOP paid private prisons Cibola County \$30 million, Dalby CI \$35 million, Eden \$31 million, Great Plains \$33 million, McRae \$37 million, Moshannon Valley \$41 million, Reeves DC \$19 million, Rivers/Winston \$38 million, Taft \$45 million.

9. On January 29, 2018, BOP Assistant Director F. Lara leaked a memo (EX-6) which states; "Trump Admin to Boost Use of Private Prisons While Slashing Federal Staff". To accomplish this goal the BOP eliminated the placement of inmates in Half Houses which keeps the BOP facilities packed over capacity which justifies their (BOP) reasons for placing BOP inmates in private prisons which was the BOP plan since 2008 (compare paragraphs 1, 2, 3 and 9).

10. As this Honorable Court can see rehabilitation is not the BOP goal for inmates anymore only warehousing.

Based on the above a emergency injunction is required.

Dated: May 21, 2019

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EXHIBIT-11

Violence on the Rise in BOP Facilities

by Brandon Sample

Killings, assaults and other acts of violence are becoming more widespread in the federal Bureau of Prisons (BOP), as the prison population increases and staff-to-prisoner ratios decline. Fifteen prisoner-on-prisoner BOP homicides occurred in 2008 compared with 12 in 2007. Serious assaults on staff increased to 82 in 2008 from 72 in 2007, following a decline in previous years.

The BOP operates 115 facilities that house over 205,000 prisoners. Most of the violence is relegated to U.S. Penitentiaries (USPs), which typically hold high-security offenders serving lengthy sentences.

On April 20, 2008, for example, a major 30-minute riot at the USP in Florence, Colorado broke out in the recreation yard. The incident began after white supremacist prisoners celebrating Adolf Hitler's birthday began yelling racial epithets at black prisoners. The white supremacists were drinking hooch, a form of homemade wine, and were armed with rocks and improvised weapons. Approximately 200 prisoners were involved in the melee.

To quell the riot, guards fired more than 200 M-16 rounds, 300 pepper balls and almost a dozen tear gas canisters, plus sting grenades. Two prisoners, Brian Scott Kubik and Phillip Lee Hooker, were shot to death by tower guards. Although the BOP initially reported that five other prisoners had been hurt, it was later learned that 30 prisoners and one staff member were injured during the incident.

Frank Sims, a prisoner allegedly involved in the riot, described the scene on the yard as "lil' Baghdad." Ken Shatto, president of the American Federal of Government Employees Local 1302 (AFGE), which represents BOP workers at the prison complex, remarked "It's the craziest thing in 15 years I've seen with the Bureau."

Outsiders like Mark Potok of the Southern Poverty Law Center, an organization that tracks hate groups, were surprised that white supremacist prisoners were allowed to congregate in the yard that day. "I'm not an expert in keeping prisons calm, but it certainly does seem like dangerous business to allow groups of white supremacist criminals to congregate on Hitler's birthday," said Potok. "The truth is, it is an iconic day in the white

supremacist calendar."

Leann LaRiva, a spokesperson for USP Florence, said prisoners are not separated by race on Hitler's birthday or any other anniversary. "We don't discriminate on race or ethnicity or segregate," she said. Not even, apparently, to prevent riots that result in prisoners being shot to death.

Union officials have long called for increased staffing to help prevent such violent outbreaks – and, of course, to boost their membership ranks. In April 2008, just weeks before the riot occurred, Phil Glover, a legislative coordinator with the AFGE, testified before Congress about rising levels of violence in the BOP. Glover blamed the violence on "insufficient staffing and resources."

According to Glover, the BOP has filled only 87 percent of staffing positions compared to 95 percent during the 1990s. He stated that staffing levels in federal prisons may drop as low as 76 percent if budget shortfalls continue. Compounding this staff shortage, BOP facilities are 36 percent over capacity systemwide.

The BOP has recognized the potential for increased violence due to staffing deficiencies. In a March 2008 memo, prison officials estimated that a projected \$289 million budget shortfall could force the cutting of guard positions to the point "where safety and security of staff and inmates could be in jeopardy."

Immediately following the USP Florence riot, then-U.S. Senator Ken Salazar contacted Attorney General Michael Mukasey and requested that additional guards be sent to the facility. Salazar has also called on the BOP to release reports about the riot to the public.

"The people of Colorado, especially those in the communities surrounding the USP, deserve the assurance that the BOP is taking the steps necessary to improve security at the facility and prevent terrible incidents like this in the future," Salazar wrote to BOP Director Harley Lappin. Despite Salazar's requests, the BOP refused to release details regarding the riot, citing an ongoing investigation. The FBI is also conducting a review.

Amazingly, just three months after the riot, the warden of USP Florence, Sara Revell, received an Excellence in Prison Management award. According to Felicia Ponce, a BOP spokesperson, the award

"recognizes outstanding contribution by a warden in the overall management of staff, inmates, and general population." The BOP did not comment on why Revell was given the award following a major riot.

On August 10, 2008, just weeks after Revell was recognized for her excellence in prison management, USP Florence was again placed on lockdown due to a prisoner-on-prisoner homicide.

Violence at USP Florence has even extended to the visiting room. In November 2008, days after visitation was restarted at the institution, a prisoner attacked two visitors. An unidentified BOP guard claimed the prisoner tried to stab his wife and mother-in-law. "It was some type of paper, folded or rolled really tight with a blade in the end of it," the guard said. "He managed to cut his wife's neck and then tried to cut up the mother a little bit." The visitors were taken to a hospital and released.

The BOP is in the process of separating outside recreation yards at all USPs into smaller, more manageable areas. While the timing of the change may seem related to the Florence riot, BOP officials said it was part of a nationwide move following the June 20, 2008 murder of Jose Rivera, a guard at USP Atwater in California.

Rivera was stabbed at least 28 times with an 8" ice pick-like weapon; he was unarmed, had no protective equipment, and other prison employees were delayed in coming to his rescue due to a locked door. The two prisoners accused of stabbing Rivera to death, Jose Cabrera Sablan and James Ninete Leon Guerrero, who are both serving life sentences, are scheduled to go to trial on murder charges in September 2010. They face the death penalty.

USP Atwater was placed on lockdown for three months after Rivera was killed. Once the lockdown was lifted, the prison was plagued by numerous fights – including a dozen stabbings over a one-week period – which resulted in another lockdown. In November 2008 the BOP replaced Atwater warden Dennis Smith, who was transferred to a medium-security facility.

A subsequent BOP report found that weapons were commonly available at USP

Atwater and prisoners were able to get drunk on homemade alcohol. The prisoners who killed Rivera were reportedly drunk at the time. Between 2005 and 2007 the number of prisoner-on-staff assaults at Atwater had quadrupled from 13 to 57 per year. This included assaults involving prisoners spitting or throwing urine on guards, and attacking them with fists or food trays. Half of the reported assaults took place in the facility's Special Housing Unit.

The AFGE sharply criticized the BOP over Rivera's murder, calling for the resignation of top BOP officials and demanding that prison guards be provided with stab-proof vests and Tasers, pepper spray and other self-defensive equipment.

"We have lost all faith in the BOP management," stated AFGE president John Gage. "It's incredible to us that the Bureau is making this a labor dispute, that they refuse to give these basic, common-sense tools to our officers. We feel, in the Rivera case, if these simple things we are asking had been granted, he would be alive today."

Violence in the BOP has not been confined to USP Florence and Atwater.

USP Pollock in Louisiana was the leader in prisoner-on-prisoner homicides in 2007. Two prisoners, Tyrone Johnson and Derrick Sparks, were killed in April 2007 after being stabbed with homemade weapons. Three months later another two prisoners were stabbed in the stomach. In November 2007, prisoners William Bull-ock and Donald Till were murdered by other prisoners. USP Pollock rang in the new year in January 2008 with the killing of prisoner Peter Avalos Gutierrez, 55, barely a month after he was transferred to the facility. He was stabbed to death with a shank.

Other institutions with high levels of violence include USP Beaumont, better known as "Bloody Beaumont." In November 2007, prisoner Gabriel N. Rhone was stabbed to death; a guard received 13 puncture wounds during the attack, which involved two other prisoners.

USP Lee is another honorable mention. On September 30, 2008, prisoner Quentin Corniel died after sustaining multiple stab wounds. He was less than a year away from his release date.

The Metropolitan Correctional Center (MCC) in Chicago, Illinois; the Federal Correctional Institution (FCI) in

Three Rivers, Texas; and the FCI in Phoenix, Arizona round out the top-ranked BOP facilities for levels of violence.

Jason Katz, serving a nine-month sentence, was beaten to death at the MCC in March 2008 by fellow prisoner Jason Tolen, 20, who was indicted on second-degree murder charges. At FCI Three Rivers, a prisoner was killed during a fight in March 2008. And a brawl involving three prisoners at FCI Phoenix in January 2008 resulted in one prisoner suffering stab wounds to the head.

Other BOP facilities have experienced their own share of violence. On January 25, 2009, a "large-scale fight" at Federal Correctional Complex (FCC) Coleman, located about 50 miles northwest of Orlando, Florida, left eight prisoners hospitalized with stab or gunshot wounds. One of the prisoners was shot by guards "to prevent possible loss of life," stated Rita Teel, a BOP spokeswoman.

Another major fight broke out at the facility in March 2009 that involved dozens of prisoners and left 14 prisoners with serious injuries. Eleven were airlifted to hospitals. FCC Coleman was placed on lockdown, and the incident is under investigation. "It was a busy day, to say the

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Violence in BOP Facilities (cont.)

least," said Jim Judge, director of Lake-Sumter Emergency Medical Services.

Two separate fights at the USP in Tucson, Arizona on May 28, 2009 sent three prisoners to the hospital with stab wounds. Most recently, FCI Victorville was placed on lockdown on June 6, 2009 following an attack by prisoners in which four staff members suffered minor injuries, and on June 11 a prisoner was shot by guards at USP Terre Haute during a fight with another prisoner on a recreation yard. Both prisoners were hospitalized.

On June 18, 2009, the U.S. House of Representatives passed an appropriations bill that includes \$71 million for hiring 745 new BOP guards; the bill still must be approved by the Senate. It is hoped that an increase in staffing levels will reduce violence in federal prisons. The BOP has taken additional steps to confront increasing levels of violence, including transferring high-security offenders to other facilities and prosecuting prisoners involved in fights.

In October 2008, the BOP created a new security level—dangerous prisoners at USP Atwater will be sent to USP Lewisburg in Pennsylvania, a high-security prison. "What we've seen is some very positive steps and progress. We are going to see a change in the entire federal penitentiary system," stated U.S. Rep. Dennis Cardoza, after touring Atwater.

Rep. Cardoza introduced federal legislation in 2008 that would have required the BOP to provide stab-resistant vests to all federal prison guards, who would have to wear them while on duty (H.R. 6462). The bill, titled the "José Rivera Correctional Officer Protection Act," failed to pass; however, the BOP has been distributing vests to BOP staff who request them.

In regard to prosecutions, in October 2008 two FCC Terre Haute prisoners, Michael S. Vaught and Whitney H. Smith, were indicted on charges of assault with intent to commit murder and assault resulting in serious bodily injury, resulting from a May 27, 2008 razor attack on another prisoner. In August 2008, FCC Coleman prisoners Gerardo Martínez and Osbaldo Farias were charged with conspiracy to commit murder in connection with the October 2007 death of Orlando Yazzie, who was beaten and stabbed to death in a recreation cage.

On June 4, 2009, USP Big Sandy prisoner Manuel Cardosa, 28, was convicted of attacking and stomping fellow prisoner Marvin Fontenette, leaving him paralyzed and half-blind. While prison officials may not be able to prevent violence at BOP facilities, that doesn't stop them from prosecuting violent offenders after the fact.

Meanwhile, in June 2009, the mother of slain prison guard Jose Rivera filed a lawsuit against federal officials, including BOP Director Harley Lappin and former Atwater warden Dennis Smith. The suit alleges that BOP officials "willingly and knowingly participated in the creation of dangerous conditions that resulted in [Rivera's] death." See: *Rivera v. Lappin*, U.S.D.C. (E.D. Cal.), Case No. 1:09-cv-

00954-LJO-SMS.

According to Mark J. Peacock, the attorney representing Rivera's family, "Officer Rivera's death highlights the complete and utter breakdown of the prison's management in protecting their employees. This can't be allowed to continue."

The same can be said about the inability of BOP officials to protect prisoners from increasing levels of violence, which also cannot be allowed to continue. ■

Sources: *Colorado Independent*, *Rocky Mountain News*, *Denver Post*, *Associated Press*, *Channel 13 KRDO*, *Corpus Christi Caller-Times*, *Beaumont Enterprise*, *Arizona Republic*, *Chicago Tribune*, *Bristol Herald Courier*, www.thetowntalk.com, *KSWT*, <http://corsecops.com>

Judge Sonia Sotomayor Denied My Appeal and I Spent 16 Years in Prison for a Crime I Didn't Commit

by Jeffrey Deskovic

My name is Jeffrey Deskovic. At age 17, I was wrongfully convicted of murder and rape, a conviction that was based upon a coerced false confession, the fabrication of evidence, prosecutorial misconduct, and fraud by a medical examiner. I was cleared 16 years later—almost three years ago—when DNA evidence proved my innocence, while also identifying the real perpetrator, who subsequently confessed to the crime. Since my release, I have made it my life's mission to battle against wrongful convictions and fight for legislation that would minimize the chances of what happened to me happening to someone else. It is this fight that compels me to speak out about Supreme Court nominee Sonia Sotomayor.

Before I was exonerated, I sought out every legal avenue I could to win my freedom. I defended my innocence before the New York Appellate Division, raising such proof as the fact that the physical evidence found did not match me and arguing that the police violated my rights by coercing a false confession from me at the age of 16. The court ruled against me 5 to 0, concluding that there was nothing wrong with my interrogation and stating that there was "overwhelming evidence of guilt," despite the fact that there was no

evidence beyond my forced confession. In truth, the DNA and the hairs found on the victim's body were evidence of my innocence.

When my lawyer was denied a chance to reargue the case on the grounds that the court's decision ran counter to the law and to the facts, we moved to the Court of Appeals, the highest court in New York. I filed a Writ of Habeas Corpus, in which I argued that my conviction was a violation of the U.S. Constitution. The year was 1997. The year before, Congress had passed Bill Clinton's Anti-Terrorism and Effective Death Penalty Act (often called AEDPA in legalese), which mandated that from then on, all state prisoners would have only one year to appeal to a federal court after being denied an appeal by their state's highest court.

As a result, there was some confusion in the federal courts regarding the filing procedure; it was not clear how the new law would apply to cases already in the system. Different jurisdictions were answering the question in different ways. My lawyer called the court clerk and asked whether it was enough that my petition be post-marked on the due date, or if it had to be physically filed in the building on the due date. The court clerk told my attorney that it was enough that it be postmarked. That information turned out to be false.

EXHIBIT-2

FEDERAL BUREAU OF PRISONS
INMATE HOMICIDES - 1987 thru 2013 (to date)

DATE	INSTITUTION	INMATE	REG #
02/23/87	USP Leavenworth	Rising, Walter	03100-039
02/27/87	USP Lewisburg	Murphy, King	11369-083
04/08/87	USP Lewisburg	Rivera, Victor	07070-054
07/01/87	USP Atlanta	Diaz-Veliz, Cecilio	01201-131
12/23/87	USP Lompoc	Singleton, Thomas	41175-133
01/10/88	USP Lewisburg	Natiello, Gregory	06950-158
02/15/88	USP Lompoc	Soto, Angel	38855-066
05/28/88	USP Lewisburg	Spence, Norman	32580-004
07/16/88	USP Lewisburg	Roque-Llera, Orlando	00903-045
07/29/88	USP Lompoc	Gilmore, Von Allen	78235-012
09/03/88	USP Lewisburg	Fuentes-Lopez, Camilo	00818-131
10/15/88	USP Marion	Lamb, Thomas	78245-012
11/20/88	USP Marion	Vacallao-Alfonson, Fermin	00950-131
01/25/89	USP Lompoc	Estrada, Johnny	76171-012
08/10/89	USP Lompoc	Ray, Arva	24303-149
05/12/90	FCI Terminal Island	Foster, Leon Ray	75848-012
07/17/90	USP Lewisburg	McDonald, Harry	29710-120
08/28/90	USP Leavenworth	Hutto, George Lovell, Jr.	84274-071
12/19/90	USP Lompoc	Fernandez, Edward	91489-012
02/09/91	USP Leavenworth	Barrett, Erick	18656-037
02/21/91	USP Lewisburg	Tung, Kuei Sen	12689-054
03/19/91	USP Lewisburg	Reyes, Abraham	40517-133
04/27/91	FCI Oxford	Sammons, Charles	01918-088
07/12/91	USP Lewisburg	Norwood, Washington	02568-036
07/16/91	USP Terre Haute	Moreno, Luis	31459-053
10/08/91	USP Lewisburg	Rosario, Santos	42363-066
01/18/92	FCI Memphis	Robinson, Michael	20116-044
03/24/92	USP Lewisburg	Hoover, David	28852-054
07/05/92	USP Leavenworth	Brown, Winford	01763-025
11/06/92	USP Lewisburg	Whitley, Elazer	07969-026
01/08/93	USP Lompoc	McKinney, William	19957-148
02/08/93	USP Lompoc	Jackson, James	97538-012
03/08/93	USP Lewisburg	Rudd, Reginald C.	06022-002
05/06/93	USP Lompoc	Mejaski, Steven	82208-011
06/21/93	USP Leavenworth	Rodriguez, Arnulfo	02363-135
09/08/93	FCI El Reno	Mercado-Mejia, Arturo	99794-012
10/12/93	FCI Memphis	Zule, Arturo	42341-080
10/23/93	USP Atlanta	Cutter, Tommie Roosevelt	14585-018
11/13/93	FCI El Reno	Bowser, Carland Albert	06088-031
11/15/93	USP Lompoc	Bough, Samuel	04665-045
12/16/93	USP Atlanta	Edgar, William	16150-018

EXHIBIT-2

DATE	INSTITUTION	INMATE	REG #
01/08/94	USP Lewisburg	Lawton, Gerald	33661-004
02/23/94	USP Lewisburg	Gonzales, Roberto Sr.	41349-115
03/22/94	USP Terre Haute	Poquette, Perrydean	03341-082
04/05/94	USP Terre Haute	Daniels, Roosevelt	91789-024
05/15/94	USP Atlanta	Johnson, David	13893-018
05/24/94	USP Atlanta	Bright, William	48753-080
07/10/94	FCI Estill	Aguirre, Gilbert	18560-148
07/21/94	USP Atlanta	Wong, Eduardo	16415-018
08/04/94	USP Lompoc	Harner, Michael A.	97088-012
11/10/94	FCI Three Rivers	Ross, Cedric	45451-004
12/27/94	USP Florence	Brown, Michael	04725-091
02/01/95	USP Lewisburg	Spain, Brian	26570-008
02/12/95	USP Atlanta	Joshua, Aubrey	39470-066
04/10/95	USP Lompoc	Dacoster, James	03300-000
07/03/95	MCFP Springfield	Jacobs, Frank	55292-065
08/25/95	USP Leavenworth	Leger, Charles	03185-078
02/17/96	FCI Allenwood	Adamson, Leon	25503-037
03/08/96	USP Atlanta	Bruns, George	12809-057
04/13/96	USP Allenwood	Marti, Andrew Hunt	58008-065
05/23/96	FCI Three Rivers	Garcia-Chavez, Sergio	52216-080
06/15/96	FCI Florence	Morrison, R. T.	13121-077
09/29/96	USP Leavenworth	Thomasson, Stanley	06086-059
11/07/96	USP Lewisburg	Anderson, Randall	09831-424
11/10/96	USP Lewisburg	York, Perry	12888-075
12/20/96	FCI Florence	Morrison, Charles Ray	20974-077
01/16/97	USP Florence	Campbell, Maynard	58265-065
01/18/97	FCI Sheridan	Alfrey, Thomas	00917-018
01/21/97	USP Florence	Melendez, Frank	32128-198
01/26/97	FMC Lexington	Baltarrica, Juan	33328-019
06/01/97	USP Allenwood	Frankhouser, Robert	05740-067
08/28/97	USP Lewisburg	Joyner, Frank	00002-000
08/28/97	USP Lewisburg	Salaam, Abdul	02583-135
08/30/97	USP Lompoc	Vasquez, John Jr.	15677-198
11/01/97	FCI Phoenix	Jackson, Bernard	41722-008
11/25/97	USP Terre Haute	Campbell, Bruce Wayne	56208-080
04/12/98	USP Leavenworth	Smothers, Joseph	04924-027
09/10/98	USP Beaumont	Moseley, Stanley	24563-034
09/14/98	FMC Lexington	Hearlson, Tracy	24663-086
03/03/99	FMC Fort Worth	Housman, Larry Sr.	55043-079
05/18/99	USP Marion	Walker, Terry	43549-019
05/23/99	USP Florence	Wroblewski, Joseph	32334-048
05/30/99	FCI Ray Brook	Miller, Vernon	38705-054
06/03/99	USP Florence	Stone, David	11605-058

EXHIBIT-2

DATE	INSTITUTION	INMATE	REG #
10/10/99	USP Florence	Estrella, Joey	29318-008
12/16/99	USP Beaumont	Brown, Darryl	05803-055
04/06/00	USP Florence	Martin, James	03847-000
09/03/00	USP Lompoc	Barr, Chris	24576-198
10/04/00	USP Florence	Cook, Bryan	27205-044
10/09/00	FCI Coleman (Low)	White, Michael	40215-066
10/26/00	FCI Butner	Cochran, Robert	01123-025
01/05/01	USP Beaumont	Plant, Luther	02882-078
04/01/01	USP Allenwood	Taylor, Leonard	51785-060
05/09/01	FCI Phoenix	Lopez-Rocha, Jesus	45647-008
05/28/01	FCI Edgefield	Bazel, Ronnie	14345-074
07/12/01	USP Terre Haute	Shannon, Robert	09379-007
09/03/01	USP Florence	Palmer, Clay	60227-065
12/14/01	USP Pollock	Macleod, John	16665-050
01/11/02	FCI Marianna	Alvarez-Rodriguez, Marcos	58419-098
04/23/02	USP Leavenworth	Lingao-Lingao, James	00715-093
12/31/02	USP Leavenworth	McAnulty, Michael	13010-058
05/24/03	FCI Big Spring	Rodriguez, Javier	33672-077
07/30/03	USP Atwater	Anita, Michael	51946-008
10/14/03	USP Leavenworth	Hamilton, Russell	19920-044
12/17/03	USP Lee County	Sandoval, Roberto	11881-179
12/24/03	USP Beaumont	Hunt, Harry	39042-053
05/22/04	USP Allenwood	Leonard, Douglas	11047-040
11/04/04	USP Atlanta	Ramirez, Ruben	04798-070
11/06/04	FCI El Reno	Flores-Sanchez, Jose	08995-180
03/17/05	USP Coleman	Delano, Richard	08784-041
04/16/05	USP Victorville	Scapazzi, Peter	71855-004
04/21/05	ADX Florence	Torrez, Manuel	58747-097
04/30/05	USP Atwater	Lowe, James	55138-035
05/07/05	USP Beaumont	Barnes, Keith	13197-007
06/01/05	ADX Florence	Joiner, Gregory	10246-007
08/10/05	USP Terre Haute	Halsey, Rocky	40070-198
08/13/05	USP Beaumont	Jaimes-Martinez, Jose	39986-180
09/02/05	USP Lewisburg	Roque, Edward	14989-014
09/28/05	USP Allenwood	Allery, Alvin	12329-073
11/04/05	FCI Phoenix	Krugel, Earl	20966-112
12/30/05	USP Beaumont	Holmes, Johnnie	42105-018
01/09/06	MCFP Springfield	Baker, Timothy	43344-061
08/12/06	USP Victorville	Padilla, Tony	60031-097
10/14/06	USP Hazelton	Meyers, Willie	30249-013
10/24/06	USP Big Sandy	Speight, Calvin L.	13276-083
11/13/06	USP Big Sandy	Peterson, Shamoni	26222-016
12/30/06	USP Victorville	Jones, David	06008-112
02/04/07	USP Coleman I	Moghdam, David	29911-086

EXHIBIT-2

DATE	INSTITUTION	INMATE	REG #	
04/20/07	USP Pollock	Sparks, Derrick	14947-031	
04/23/07	USP Pollock	Johnson, Tyrone	07393-016	
06/13/07	USP Terre Haute	Russell, James	07584-067	
06/17/07	CSC*	Duree, Donovan	93166-111	*Halfway House Inmate
06/22/07	FCI Forrest City (M)	Lopez-Alvarado, Rigoberto	54248-179	
07/08/07	USP Atlanta	Obara, Steven	15748-014	
08/01/07	USP Allenwood	Lilly, Scott	08551-067	
10/08/07	USP Hazelton	Harris, Jesse	13319-007	
10/16/07	USP Coleman I	Yazzie, Orlando	01977-081	
11/15/07	USP Pollock	Bullock, Anthony	20473-057	
11/28/07	USP Beaumont	Rhone, Gabriel	09304-007	
01/04/08	USP Pollock	Gutierrez, Peter	52167-097	
02/13/08	USP Beaumont	Joseph, Ronald	35574-037	
03/06/08	USP Coleman II	Pritchard, Steven	13192-112	
03/11/08	USP Pollock	Vantha, Pete	31680-077	
03/12/08	MCC Chicago	Katz, Jason Ira	09259-027	
03/28/08	FCI Three Rivers	Rodriguez, Servando	21280-179	
06/16/08	CNV*	Elliott, Dee Ann Marie	09557-033	*Halfway House Inmate
07/14/08	USP Pollock	Jackson, Charles Jr.	01125-112	
08/01/08	USP Victorville	St. Dennis, Robert	12155-085	
08/09/08	FCI Bennettsville	Taylor, Trevon	56469-083	
08/10/08	USP Florence	Baker, Mark	30644-112	
09/30/08	USP Lee	Corniel, Quentin	26344-112	
12/04/08	MDC Brooklyn	Bartels, Brian	63819-053	
12/29/08	FCI Florence	Zuniga-Garcia, Pablo	95492-198	
01/28/09	USP Big Sandy	Smith, Vincent	18647-016	
05/13/09	USP Victorville	Ritter, Gregory	94543-022	
05/20/09	USP Florence	Anderson, Christopher	52840-065	
05/29/09	CSC*	Raymond, Damien	93236-111	*RRC
07/28/09	CST*	James, Ronald E.	29431-044	*RRC
08/16/09	USP Victorville	Armell, Eric	87401-008	
11/18/09	CST*	Henderson, Jeremiah	34488-044	*RRC
12/02/09	USP Marion	Running Bear, Robert	10346-073	
12/06/09	USP Hazelton	Wilson, Jimmy	10978-036	
01/18/10	USP Pollock	Coltrahe, Carlton Rama	08702-030	
01/20/10	CMM*	Bravo-Marrero, Jose Ivan	31872-069	*RRC
01/21/10	USP Lee	Bennett, Jr., Ernest	09066-084	
01/26/10	MCFP Springfield	Castro-Rodriguez, Victor	57903-004	
02/01/10	CBR*	England, John	42118-037	*RRC
03/26/10	CST*	McGill, Michael III	28401-044	*RRC
04/06/10	CST	Howard, Theodis	31295-044	*RRC
04/23/10	USP Terre Haute	Nino, Arnulfo	37693-079	
04/25/10	USP Canaan	O'Kane, Joseph	01191-748	
04/29/10	USP Lee	Hafoka, Filikisi	15536-081	

EXHIBIT-2

DATE	INSTITUTION	INMATE	REG #	
05/02/10	USP Lewisburg	Arias, Juan	00112-748	
06/15/10	USP Lewisburg	Smith, Arnold	91664-012	
06/24/10	USP Pollock	Prater, Steven G.	20653-045	
07/01/10	FCI Terre Haute	Richards, Terence B.	22168-424	
07/02/10	CRL*	Hopper, Willie	20888-058	*RRC
08/05/10	FCI Talladega	Cowley, Bobby Wayne	34697-177	
08/23/10	USP Canaan	Perez, Jose Antonio	12651-014	
09/15/10	USP Terre Haute	Turic, Teddy	11495-040	
11/04/10	FCI Fort Dix	Fitzpatrick, Francis	73535-083	
11/15/10	USP Tucson	Hawpetoss, Robert	03468-164	
11/16/10	CSC*	Wilson, Leon	97752-011	*RRC
12/18/10	USP Coleman I	Jimenez, Manuel	08092-091	
01/07/11	FCI Petersburg (M)	Billups, Gregory	39557-083	
01/12/11	USP Coleman II	Piankhi-Shabaka, Wo'se	03086-000	
01/15/11	USP Hazelton	Baxter, Raq	03464-007	
03/15/11	CPG*	Scott, Alonzo	13537-055	*RRC
04/05/11	USP Atlanta	Mills, Kenneth	20395-179	
06/18/11	USP Terre Haute	Pendelton, Brian	12359-067	
07/24/11	USP Atwater	Austin, Wade	07609-084	
10/05/11	FCI Fort Worth	Moffatt, Albert P.	35667-079	
10/09/11	CCN*	Manigault, Jack T.	54964-060	*Home Confinement
10/10/11	CDT*	Robinson, Hakeem	41623-039	*RRC
12/29/11	USP Victorville	Warren, Robert A.	48636-051	
01/19/12	USP Terre Haute	Hamrick, Calvin Raye	55636-065	
07/15/12	USP Tucson	Hutchings, Kevin Gray	39348-060	
08/17/12	CDT*	Washington, Christopher	44178-039	*RRC
08/29/12	USP Hazelton	Dallas, Anthony	21793-051	
09/18/12	CBR*	Grosvenor, Janah	04520-015	*Home Confinement
10/01/12	USP Victorville	Jones, Michael	69764-065	
10/26/12	CSC*	Jones, Vincent D.	90029-111	*RRC
10/27/12	USP Terre Haute	Phipps, Michael Shane	09134-031	
11/18/12	CCN*	Tyler-Tharp, Brandon	13427-032	*Home Confinement
12/28/12	CMM*	Beltran De Leon, Jose	23728-069	*RRC
01/11/13	USP Canaan	Goitom, Ephraim	20359-014	
03/08/13	USP Tucson	Harrison, Marcus	66093-097	
04/06/13	MDC Guaynabo	Smith, Glaston	41597-069	

*RRC = Residential Reentry Center

EXHIBIT-3

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BUREAU OF PRISONS
OBLIGATIONS AND PER CAPITA
FISCAL YEAR 2014
REPORT NAME: \$14PCPRI

NEWINST	NEWPDU	DU	PROGRAM	TOTAL OBLIGATIONS	PER CAPITA	SALARIES	PER CAPITA	OPERATIONS	PER CAPITA
ADAMS COUNTY	INMATE DAYS	2	INMATE DAYS	.00	.00	.00	.00	.00	.00
	4-CONTRACT CONFINEMENT	9	PRIVATELY OWNED/PRIVATELY OPER.	62,958,072.51	69.67	.00	.00	62,958,072.51	69.67
*TOTAL NEWINST ADAMS COUNTY				62,958,072.51	69.67	.00	.00	62,958,072.51	69.67
INMATE DAYS 603,706									
AVERAGE DAYS 2.476									

EXHIBIT-4

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BUREAU OF PRISONS
OBLIGATIONS AND PER CAPITA
FISCAL YEAR 2014
REPORT NAME: \$14PCPRI

NEWINST	NEWPOU	DU	PROGRAM	TOTAL OBLIGATIONS	PER CAPITA	SALARIES	PER CAPITA	OPERATIONS	PER CAPITA
BIG SPRING CI	INMATE DAYS	Z	INMATE DAYS	.00	.00	.00	.00	.00	.00
	4-CONTRACT CONFINEMENT	S	PRIVATELY OWNED/PRIVATELY OPER.	82,640,478.36	65.54	.00	.00	82,640,478.36	65.54
*TOTAL NEWINST BIG SPRING CI				82,640,478.36	65.54	.00	.00	82,640,478.36	65.54
INMATE DAYS 1,260,960									
AVERAGE DAYS 3,455									

EXHIBIT 5

PAGE 1

BUREAU OF PRISONS
OBLIGATIONS AND PER CAPITA
FISCAL YEAR 2015
REPORT NAME: \$16PCPRI

NEWINST	NEW/PDU	DU	PROGRAM	TOTAL OBLIGATIONS	PER CAPITA	SALARIES	PER CAPITA	OPERATIONS	PER CAPITA
ADAMS COUNTY	INMATE DAYS	Z	INMATE DAYS	.00	.00	.00	.00	.00	.00
	4-CONTRACT CONFINEMENT	S	PRIVATELY OWNED/PRIVATELY OPER.	60,262,924.88	73.75	.00	.00	60,262,924.88	73.75
*TOTAL NEWINST ADAMS COUNTY				60,262,924.88	73.75	.00	.00	60,262,924.88	73.75
INMATE DAYS 817,128									
AVERAGE DAYS 2,239									

TRULINCS 08680040 - CORBEIL, CLINTON MATTHEW - Unit: BMP-C-A

FROM: Behind Bars, Education
TO: 08680040
SUBJECT: Prison Law & Prison Education News Service
DATE: 01/29/2018 04:13:51 PM

Leaked Memo: Trump Admin to Boost Use of Private Prisons While Slashing Federal Staff

By Eric Katz

The Trump administration is following through on its promise to use more private contract prisons, with the Justice Department seeking to identify inmates to transfer out of government-owned facilities and to cut federal guard positions.

The Bureau of Prisons has the stated goal of "increasing population levels in private contract facilities," according to a memorandum sent by the agency's Assistant Director for Correctional Programs Division Frank Lara on Wednesday and obtained by Government Executive.

The memo follows guidance from Attorney General Jeff Sessions last year that reversed an Obama administration policy to phase out the use of private prisons. In 2016, former Deputy Attorney General Sally Yates issued a memo instructing the bureau to either end private facility contracts when their terms expired or "substantially reduce [their] scope" to correspond with declining inmate populations. Sessions said in February 2017 that Yates' decision "changed long-standing policy" of the bureau and impaired its "ability to meet the future needs of the federal correctional system."

In Wednesday's memo, Lara tasked facility leaders with identifying inmates to transfer to private contract prisons, saying it would "alleviate the overcrowding at Bureau of Prisons' institutions and maximize the effectiveness of private contracts." Lara laid out certain criteria for determining which inmates should be transferred, such as those designated "low security" and those having 90 months or less remaining on their sentence.

The memo came just days after the bureau held a conference call with facility administrators, instructing them to prepare for a 12 percent to 14 percent reduction in their authorized staffing levels. Such cuts would result in shedding 5,000-6,000 jobs, at least some of which are currently vacant. Trump's fiscal 2018 budget proposed a cut of about 6,000 bureau positions, more than 1,800 of which were correctional officers. Congress has yet to enact full-year appropriations for the current fiscal year and those cuts have yet to take place.

The bureau began contracting with private prisons in 1997 to address overcrowding. Contract facilities housed about 18,000 federal inmates, about 10 percent of the total population. A 2016 inspector general report found the contract prisons "incurred more safety and security incidents per capita than comparable BOP institutions and that the BOP needs to improve how it monitors contract prisons in several areas." The private facilities confiscated eight times as many contraband cell phones, had higher rates of assaults (both inmate-on-inmate and inmate-on-officer) and were placing inmates' rights and needs at risk.

The Bureau of Prisons did not respond to multiple inquiries regarding the new memo or workforce changes.

Democratic lawmakers have criticized the decision to increase the reliance on contract prisons at the federal level, and accused Justice of nefarious motives.

"This is how our corrupt political and campaign finance system works," Sen. Bernie Sanders, I-Vt., said after Sessions' announcement last year. "Private prison companies invested hundreds of thousands of dollars in Donald Trump's presidential campaign and today they got their reward."

Sens. Cory Booker, D-N.J., and Chris Van Hollen, D-Md., wrote to Sessions in April to ask about the appearance of rewarding political donors and hindering "recent progress towards reforming our criminal justice system." They questioned Sessions on what evidence his department had that contract prisons would make people safer and lead to cost savings.

The senators never heard back from Sessions regarding the letter, said Van Hollen, who called Justice's decision to move forward with its push for private prisons "unacceptable."

"The DOJ is eliminating common-sense reforms designed to focus on violent criminals, while sending taxpayers' dollars to the private prisons industry that has a profit motive to oppose those reforms and lock up more non-violent drug offenders," the senator told Government Executive. "This is a blow to ongoing efforts to reform our criminal justice system, and I will fight it tooth and nail."

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Eric Young, president of the American Federation of Government Employees council that represents bureau employees, said the recent shift would have the opposite effect. The bureau's contracts are generally fixed-price, he said, so the contractor gets the same payout whether it houses 200 inmates or 2,000. He added the renewed threat of workforce cuts has caused discord among the bureau's employees.

"It has sent a panic throughout my ranks," Young said. Employees are worried if natural attrition and vacancy elimination alone do not reach the bureau's targeted cuts, it could lead to mandatory layoffs. Not backfilling positions would worsen existing staffing shortfalls, Young said. He noted that at one facility, 20 officers retired at the end of 2017.

"The staff is in very big fear because those 20 people are 20 less people responding to a situation in an emergency," Young said.

Nicole Porter, director of advocacy for The Sentencing Project, called it "curious" that the Trump administration is seeking to boost reliance on private prisons given the reduction in the overall inmate population in recent years. The federal inmate population has dropped by about 36,000 since 2013, according to bureau statistics, a 16 percent reduction. Porter said it was not surprising the agency was looking to shed workers, however, given the overall budget environment.

"Labor is one of the first steps when systems are under pressure to reduce or control costs," Porter said. "It's very concerning that there would be internal changes that would prioritize contracting out with for-profit prison facilities."

(Originally published by govexec.com; Used with Prison Legal News' permission)

Koch brothers to launch pilot project to tackle prisoner reentry

By Fredreka Schouten

WASHINGTON The political and policy network aligned with the conservative billionaires Charles and David Koch is launching a \$4 million pilot project to help former prisoners successfully reenter society.

The so-called Safe Streets & Second Chances project will be among the topics the Kochs and several hundred like-minded donors will explore this weekend when they gather near Palm Springs, Calif., for the network's annual winter meeting.

The retreat will confront what the Kochs and other donors view as obstacles to achievement in the realms of public policy, education and in local communities, said James Davis, a spokesman for the network.

Overhauling the criminal-justice system has been a priority of Charles Koch, a libertarian-leaning industrialist who sits at the helm of a Kansas-based industrial conglomerate. In recent years, he and his aides have lobbied to reduce penalties for non-violent offenses, to rein in the practice of seizing the assets of criminal suspects and to make it easier for convicted felons to gain occupational licenses and other work opportunities once they are released.

The new prisoner reentry program will start with a trial experiment involving 1,000 participants in four states: Texas, Louisiana, Florida and Pennsylvania. The goal is to develop individualized reentry plans that start on the first day prisoners are jailed.

"Over 95 percent of people who are incarcerated will eventually be released, so it's in everyone's best interests to make sure that these individuals are better when they leave prison than before they went in," Koch Industries executive Mark Holden said in a statement.

Holden, who also serves as a key official in the Kochs' policy empire, has been a leading figure in the network's criminal-justice push.

Earlier this month, Holden attended a White House meeting with President Trump, governors, religious leaders and other activists to discuss ways to expand workplace opportunities for prisoners and reduce the rate of recidivism.

(Originally published by usatoday.com; Used with Prison Legal News' permission)

Will Dunkirk's Use of Prison Labor in Set Construction Disqualify It from the Oscars?